

Amendments to the Drawings

The attached replacement sheets 1 through 8 replace all the figures originally filed (figures 1 through 8). No substantive changes have been made to the figures, the replacement sheets are merely more formal drawings.

Attachments: Replacement Sheets 1/8 through 8/8.

REMARKS

Amendment to the Specification

Applicant has amended the specification to claim the benefit of a provisional. The claim was originally provided in the declaration as filed as was confirmed on the filing receipt.

Applicant has amended the specification to provide reference characters not mentioned in the description, but provided in FIG. 2.

Drawings

With regard to the drawings, the Examiner objected to the drawings and indicated that Figures 1 and 3-8 require unit scaling. As the claimed method is scalable, units are not essential to understanding, especially since figures 1 and 3-8 are for the purpose of illustrating results of embodiments of the method.

Response to Rejections

Claim 1, the only pending claim, was rejected under 35 USC 103(a) as being unpatentable over Lindemann (6,298,322) in view of Riley et al. (5,959,726).

To establish a prima facie case of obviousness, there must be a suggestion or motivation to combine the references, which cannot come from applicant's disclosure, there must be a reasonable expectation of success and the prior art must teach or suggest all the claim limitations (See MPEP 2143). The initial burden is on the Examiner. (see MPEP 706.02(j)).

The rejection relies upon Lindemann in view of Riley et al.. Lindemann is concerned with encoding and synthesis of tonal audio signals, and not with measurement. More particularly, Lindemann employs **dominant sinusoids** for encoding and synthesis. In contradistinction, Riley et al. states, "The invention provides a method for improving the accuracy of frequency response measurements of linear systems wherein the driving function for the measurement is a periodic waveform approximating a **square wave** but having an error in duty cycle." (Column 1, Lines 60 – 64 emphasis added). There is no suggestion or motivation to combine the teaching of Riley et al., which relate to square waves as the driving function, with those of Lindemann, which relate to encoding and synthesizing tonal audio signals using sinusoids. Accordingly, Applicant respectfully requests allowance of claim 1.

Applicant respectfully traverses other assertions made in connection with Lindemann allegedly reading on elements of claim 1, and preserves any additional arguments related to those assertions.

Applicant has amended this case to place this case in condition for allowance and respectfully requests that claim 1 be allowed and this application be allowed to proceed to issuance.

Respectfully submitted,

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